IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Bail Appl..No. 7258 of 2006()

CMP.7562/06 OF J.F.C.M.-I, PATHANAMTHITTA
OR.45/06 OF PATHANAMTHITTA EXCISE RANGE.
(AGAINST THE ORDER IN BA.6944/2006 Dated 24/11/2006)

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PETITIONER/ACCUSED

VINOD, AGED 34 YEARS, S/O. RAJENDRAN,
CHEENAMCHIRA HOUSE, POOKODU,
NARANGANAM, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.V.SETHUNATH

RESPONDENTS: COMPLAINANT & STATE

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1. EXCISE INSPECTOR,
PATHANAMTHITTA RANGE, PATHANAMTHITTA.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

BAIL APPLICATION No.7258 OF 2006

DATED THIS THE 7TH DAY OF DECEMBER, 2006

O R D E R

In this Petition filed under Sec.439 Cr.P.C. the petitioner who are the accused in C.R.No.45/06 of Pathanmthitta Excise Range for an offence punishable under Section 55(a) of the Abkari Act, for having been found in possession of 64 liters of spirit on 23.10.2006, seeks his enlargement on bail. The petitioner was arrested on 23.10.2006.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor opposed the application.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This application is accordingly dismissed.

V.RAMKUMAR, JUDGE.

dsn/-